

FILED: August 7, 2023

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-1127 (L)
(3:20-cv-00103-RJC)
(17-31795)
(17-03105)

IN RE: BESTWALL LLC

Debtor

BESTWALL LLC; GEORGIA-PACIFIC LLC

Plaintiffs - Appellees

v.

OFFICIAL COMMITTEE OF ASBESTOS CLAIMANTS

Defendant - Appellant

and

SANDER L. ESSERMAN, IN HIS CAPACITY AS FUTURE CLAIMS
REPRESENTATIVE; THOSE PARTIES LISTED ON APPENDIX A TO
COMPLAINT; JOHN AND JANE DOES 1-1000

Defendants

NORTH CAROLINA; ARIZONA; COLORADO; CONNECTICUT;
DELAWARE; ILLINOIS; MAINE; MASSACHUSETTS; MICHIGAN;
MINNESOTA; MISSISSIPPI; NEVADA; NEW JERSEY; NEW MEXICO;

NEW YORK; NORTH DAKOTA; OREGON; PENNSYLVANIA; VERMONT;
WASHINGTON; THE DISTRICT OF COLUMBIA

Amici Supporting Rehearing Petition

AMERICAN TORT REFORM ASSOCIATION; CHAMBER OF COMMERCE
OF THE UNITED STATES OF AMERICA

Amici Opposing Rehearing Petition

O R D E R

The court denies the petitions for rehearing en banc.

A requested poll of the court failed to produce a majority of judges in regular active service and not disqualified who voted in favor of rehearing en banc.

Chief Judge Diaz and Judges Wilkinson, Niemeyer, Agee, Harris, Quattlebaum, Rushing, and Heytens voted to deny rehearing en banc. Judges King, Gregory, Wynn, Thacker, and Benjamin voted to grant rehearing en banc. Judge Richardson was recused and did not participate in the poll.

Entered at the direction of Judge Agee.

For the Court

/s/ Patricia S. Connor, Clerk